

Detention Center (“Varick”), was returned with the notation that Johnson was no longer there.

Because ICE detainees often are moved from facility to facility, it is the practice of my Chambers to inquire as to their current whereabouts. As a result, we have learned from ICE that Johnson is no longer at Varick and, instead, is a fugitive. In light of this development, Johnson’s Petition, which seeks only release-related relief, should be dismissed as moot. (See Pet. Prayer).

I note that Johnson has not advised the Court of his present whereabouts. Nevertheless, out of an excess of caution, I am sending a copy of this Report and Recommendation to his last known address at Varick.

Conclusion


For the foregoing reasons, the Petition should be dismissed as moot.

Notice of Procedure for Filing of Objections to this Report and Recommendation

The parties shall have ten days from the service of this Report and Recommendation to file written objections pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure. See also Fed. R. Civ. P. 6(a) and (d). Any such objections shall be filed with the Clerk of the Court, with courtesy copies delivered to the chambers of the Honorable Richard M. Berman and to the chambers of the undersigned at the United States Courthouse, 500 Pearl Street, New York, New York 10007, and to any opposing parties. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6(a), 6(d),

72(b). Any requests for an extension of time for filing objections must be directed to Judge Berman. The failure to file these timely objections will result in a waiver of those objections for purposes of appeal. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6(a), 6(d), 72(b); Thomas v. Arn, 474 U.S. 140 (1985).

Dated: New York, New York
April 27, 2009


FRANK MAAS
United States Magistrate Judge

Copies to:

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